

the Examiner, so applicants are at a loss to explain how the Arimori reference relates to the special technical feature(s) defined in the claims. Is the Examiner saying that compounds within the scope of Formula (I) – and repeating units of those compounds as depicted in Formula II – are unpatentable over Arimori? The Examiner's failure to explain the requirement properly, in a way that applicants can respond to it properly, means that the requirement must be restated or withdrawn. Applicants further respectfully submit that their claims are not unpatentable over Arimori.

Applicants also respectfully submit that the pending Action violates the admonition in MPEP 1850, at page 1800-96, that lack of unity of invention should not be found based on a narrow, literal or academic approach, which is what, applicants respectfully submit, has happened here. The Examiner complains on pages 3-4 of the Action about the "vastness" of the claimed subject matter without considering that the independent claims define only a reasonable number of species that would not be eligible for restriction under U.S. national practice. The Examiner has not tried to show why the burden in examining this application merits a finding of lack of unity.


Early action withdrawing the objection to unity of invention and examining all of applicants' claims on the merits is solicited.

In the event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in

connection with the filing of this document to Deposit Account No. 03-1952 referencing 584282000100.

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Respectfully submitted,

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